

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD A. ADAMS, On behalf of himself and on	:	Case No. 07 CV 6984 (JSR)
behalf of all others similarly situated,	:	
	:	
Plaintiff,	:	
	:	SUPPLEMENTAL
- against -	:	DECLARATION OF
	:	DAVID Z. PINSKY
	:	
IBM PERSONAL PENSION PLAN and	:	
KENNETH J. MORRISSEY, Plan Administrator,	:	
	:	ECF CASE
Defendants.	:	
	:	
	:	
	:	
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David Z. Pinsky declares as follows pursuant to 28 U.S.C. § 1746:

1. I am an associate with the law firm of Covington & Burling LLP, counsel of record in this action for Defendants IBM Personal Pension Plan and Kenneth J. Morrissey, Plan Administrator. I was admitted to practice before the U.S. District Court for the Southern District of New York on October 10, 2006 and remain in good standing therein.

2. I submit this Supplemental Declaration to place before the Court Exhibit D to Defendants' Motion to Dismiss filed on September 6, 2006. Exhibit D is referenced in Defendants' motion but was inadvertently omitted from the exhibits attached to the Declaration of David Z. Pinsky filed on September 6, 2007. This exhibit is a true and correct copy of § 7.3 of the IBM Personal Pension Plan.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of September 2007 in New York, New York.

s/ David Z. Pinsky_____

David Z. Pinsky